

103D CONGRESS
1ST SESSION

H. R. 2980

To amend the National Labor Relations Act to increase the stability of collective bargaining and to preserve job opportunities for workers employed in the bituminous coal mining industry.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1993

Mr. MURPHY (for himself, Mr. STARK, Mr. WISE, Mr. MORAN, Mr. BARLOW, Mr. EVANS, Mr. HOLDEN, Mr. STRICKLAND, Mr. RAHALL, Ms. DANNER, Mr. ANDREWS of New Jersey, Mr. COYNE, Mr. McCLOSKEY, Mr. KILDEE, Mr. APPEGATE, Mr. BROWN of Ohio, Mr. COSTELLO, Mr. ACKERMAN, Mr. KLINK, Ms. WOOLSEY, and Mr. GENE GREEN of Texas) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the National Labor Relations Act to increase the stability of collective bargaining and to preserve job opportunities for workers employed in the bituminous coal mining industry.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bituminous Coal Min-
5 ing Industry Labor Law Amendment of 1993”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that—

3 (1) the production of bituminous coal involves,
4 by its very nature, the depletion of resources at work
5 locations,

6 (2) various mining arrangements and techno-
7 logical advances in the last 20 years have adversely
8 impacted on job security for workers employed in the
9 bituminous coal mining industry,

10 (3) both workers and employers share the mu-
11 tual goal of mining coal safely and efficiently, and

12 (4) the safe and efficient mining of coal can
13 best be achieved by the use of experienced miners
14 who are knowledgeable as to the industry's stand-
15 ards.

16 **SEC. 3. SINGLE EMPLOYERS IN THE BITUMINOUS COAL**
17 **MINING INDUSTRY.**

18 (a) DEFINITION OF SINGLE EMPLOYER.—Section
19 2(2) of the National Labor Relations Act (29 U.S.C.
20 152(2)) is amended by adding at the end thereof the fol-
21 lowing: “Any two or more business entities engaged pri-
22 marily in the production of coal, including removal of over-
23 burden and coal waste, preparation, processing and clean-
24 ing of coal, and transportation of coal, repair and mainte-
25 nance work normally performed at mine sites or at central
26 shops of a mine site, and the maintenance of gob piles

1 in mine roads, performing work covered by a collective
2 bargaining agreement to which any of the entities is a
3 party, performing the type of work described in such
4 agreement, and having directly or indirectly substantial
5 common ownership, substantial common management, or
6 substantial common control shall be deemed a single em-
7 ployer. The terms and provisions of a contractor-sub-
8 contractor relationship between any 2 or more business
9 entities working at a mining operation shall not be deemed
10 to create a single employer or be considered as evidence
11 of direct or indirect common management or control, with-
12 in the meaning of the preceding sentence.”.

13 (b) CONCERNING SCOPE OF DUTY TO BARGAIN.—
14 Section 8(d) of such Act (29 U.S.C. 158(d)) is amended
15 by adding at the end the following: “Whenever the collec-
16 tive bargaining involves employees of a business entity
17 comprising part of a single employer in the bituminous
18 coal mining industry, as defined in section 2(2) of this
19 Act, the duty to bargain collectively, for the purposes of
20 this section, shall include the duty to apply the terms of
21 a collective bargaining agreement between such business
22 entity and a labor organization to all other business enti-
23 ties comprising the single employer and performing the
24 work described in the collective bargaining agreement. An
25 agreement lawfully made pursuant to this subsection shall

1 impose the same obligations under this Act as an agree-
2 ment with the majority representative pursuant to section
3 9(a). Nothing in this subsection shall set aside the final
4 proviso to subsection (a)(3) of this section. Any agreement
5 which would be invalid, but for clause (1) of this sub-
6 section, shall not be a bar to a petition filed pursuant to
7 section 159(c) or section 159(e). Any agreement lawfully
8 made pursuant to this subsection may be repudiated only
9 after the Board certified the results of an election con-
10 ducted pursuant to section 9(c), in which a majority of
11 employees in an appropriate bargaining unit (as defined
12 in section 9(b)) either selects a bargaining representative
13 other than the labor organization with which such agree-
14 ment was made or chooses not to be represented by a labor
15 organization.”.

16 (c) SECTION 159 REPRESENTATIVES AND ELEC-
17 TIONS.—Section 9 of such Act (29 U.S.C. 159) is amend-
18 ed by inserting a new “(1)” after “(b)” and by adding
19 at the end the following: “A majority of the employees in
20 a unit appropriate for such purposes shall also include a
21 majority of employees working at any 2 or more business
22 entities engaged primarily in the production of coal, in-
23 cluding removal of overburden and coal waste, prepara-
24 tion, processing and cleaning of coal, and transportation
25 for coal, repair and maintenance work normally performed

1 at mine sites or at central shops of a mine site and the
2 maintenance of gob piles in mine roads, performing work
3 covered by a collective bargaining agreement to which any
4 of the entities is a party, performing the type of work de-
5 scribed in such agreement where 2 or more entities have
6 either directly or indirectly (A) substantial common owner-
7 ship, (B) substantial common management, or (C) sub-
8 stantial common control.

9 **SEC. 4. EFFECTIVE DATES.**

10 (a) IN GENERAL.—Except as provided in subsection
11 (b), the amendments made by section 3 shall take effect
12 upon the date of the enactment of this Act.

13 (b) SPECIAL RULES.—The requirement imposed by
14 an amendment made by section 3(b) shall take effect—

15 (1) one year after such date of enactment with
16 respect to any bituminous coal mining operation for
17 which the contract was entered into by an employer
18 before the date of the enactment of this Act; and

19 (2) on the date on which the contract is entered
20 into with respect to any bituminous coal mining op-
21 eration for which the contract is entered into by an
22 employer on or after the date of the enactment of
23 this Act.

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